

NEW YORK
LONDON
SINGAPORE
PHILADELPHIA
CHICAGO
WASHINGTON, DC
SAN FRANCISCO
SILICON VALLEY
SAN DIEGO
LOS ANGELES
TAIWAN
BOSTON
HOUSTON
AUSTIN
HANOI
HO CHI MINH CITY

DuaneMorris®

FIRM and AFFILIATE OFFICES

ERIC R. BRESLIN
DIRECT DIAL: +1 973 424 2063
PERSONAL FAX: +1 973 556 1552
E-MAIL: ERBreslin@duanemorris.com

www.duanemorris.com

SHANGHAI
ATLANTA
BALTIMORE
WILMINGTON
MIAMI
BOCA RATON
PITTSBURGH
NEWARK
LAS VEGAS
CHERRY HILL
LAKE TAHOE
MYANMAR
OMAN
*A GCC REPRESENTATIVE OFFICE
OF DUANE MORRIS*
ALLIANCES IN MEXICO
AND SRI LANKA

January 16, 2019

BY ECF

Honorable Vernon S. Broderick
United States District Court Southern
District of New York
40 Foley Square
New York New York 10007

APPLICATION GRANTED

SO ORDERED 

VERNON S. BRODERICK

U.S.D.J. 1/17/2019

Re: Great Western Insurance Co. v. Mark Graham, et al., Case No. 18-06249
(VSB)

Dear Judge Broderick:

We are the attorneys for defendant Mark Graham and defendant-entities Blue Capital Management, Inc., Blue Alternative Asset Management, LLC, Blue Elite Fund, Ltd., Blue Elite Fund, L.P., and Blue II, Ltd. (together, the “Blue Defendants”). In Plaintiff’s Second Amended Complaint, they have added new defendants and new allegations, all of which impact our clients. We plan to file a motion to dismiss the Second Amended Complaint in this matter on or before February 5, 2019, in accordance with the Scheduling Order issued on December 26, 2018. (Dkt. No. 114.) We write now to request permission to file a memorandum of law in support of that motion that shall not exceed 30 pages, rather than the 25 pages allowed under the Local Rules and Your Honor’s Individual Rules and Practices in Civil Cases.

At least one of our clients is named in most of the causes of action, with at least one Blue Defendant named in nine counts. (Dkt. No. 106.) Our arguments will necessarily need to be individualized where appropriate for each defendant. In addition, we plan raise a challenge to personal jurisdiction over some of the Blue Defendants, as we did in our initial motion to dismiss. (Dkt. No. 73.)

Our Memorandum of Law in support of our Motion to Dismiss the First Amended Complaint was just under the page limit, and it was a struggle to include all the necessary

DUANE MORRIS LLP A DELAWARE LIMITED LIABILITY PARTNERSHIP

GREGORY R. HAWORTH, RESIDENT PARTNER

ONE RIVERFRONT PLAZA, 1037 RAYMOND BLVD., SUITE 1800
NEWARK, NJ 07102-5429

PHONE: +1 973 424 2000 FAX: +1 973 424 2001

Duane Morris

Honorable Vernon S. Broderick
January 16, 2019
Page 2

arguments in response to the First Amended Complaint within that limit. Now, in addition to the arguments we made previously, we will need to address the new allegations contained in the Second Amended Complaint, including complex arguments related to RICO and personal jurisdiction.

We respectfully submit that there is good cause for giving the Blue Defendants an additional five pages so that we can adequately address the litany of allegations and claims asserted against our clients.

We thank the Court for its courtesy in considering this application.

Respectfully submitted,

/s/ Eric R. Breslin

Eric R. Breslin

cc: All Counsel of Record (by ECF)